

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOHN K. ZESTOS,

Plaintiff,

v.

Case Number 09-10644

Honorable Thomas L. Ludington

FIRST MORTGAGE LOAN SERVICING,

Defendant.

_____ /

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

On July 17, 2009, the Court dismissed Plaintiff John K. Zestos's complaint sua sponte. Plaintiff, acting pro se, filed a complaint alleging that Defendant First Mortgage Loan Servicing wrongfully foreclosed on his property. After receiving a report and recommendation that the Court dismiss Plaintiff's complaint, the Court permitted Plaintiff multiple opportunities to amend the complaint and cure the defect. *See* dkt. # 8, 10, 12. Plaintiff, however, did not timely provide a proposed amended complaint that stated a claim under federal law and the Court dismissed the complaint. *See* dkt. # 14, 18. On July 20, 2009, Plaintiff requested the Court reconsider the dismissal of the complaint. Dkt. # 19.

This District's local rules permit a party to request reconsideration of an order. *See* E.D. Mich. LR. 7.1(g). However, "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." *Id.* 7.1(g)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Fleck v. Titan Tire Corp.*, 177 F. Supp. 2d 605, 624 (E.D. Mich. 2001).

The instant motion again emphasizes Plaintiff's "diligent efforts" to retain counsel. Despite this contention, Plaintiff has not identified why he did not comply with the Court's orders or demonstrate a defect in the Court's dismissal of the complaint.

Accordingly, it is **ORDERED** that Plaintiff's motion for reconsideration [Dkt. # 19] is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: July 31, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 31, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS